

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

SANTIAGO ELIZALDE, JR., #367093 §

VS. § **CIVIL ACTION NO. 5:06cv117**

STEVE GARZA, ET AL. §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendants' motion to dismiss (docket entry #19), treated as a motion for summary judgment, is **GRANTED**. It is further

ORDERED that the cause of action is **DISMISSED** with prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 12th day of March, 2007.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE